

INDIANA BOARD OF PHARMACY

Indiana Professional Licensing Agency
Indiana Government Center South, Conference Center Rooms 1 and 2
402 W. Washington St.
Indianapolis, IN 46204

MINUTES OF the December 14, 2009 Board Meeting

I. CALL TO ORDER & ESTABLISHMENT OF QUORUM

President and Presiding Officer Del T. Fanning called the meeting to order at 9:00 a.m. in the Conference Center, Rooms 1 and 2, of Indiana Government Center-South, 402 West Washington Street, Indianapolis, Indiana 46204, and declared a quorum in accordance with IC § 25-26-13-3.

Board Members Present:

Del T. Fanning, R.Ph., President
Lora N. R. Williams, JD, Vice President (*Consumer Member*)
Steven Anderson, R.Ph., Member
William J. Cover, R.Ph., Member
Winnie Landis, R.Ph., Member
Sara St. Angelo, PharmD., R.Ph., Member
Donna S. Wall, PharmD., R.Ph., Member

Board Members not in attendance:

None

State Officials Present:

Phil Wickizer, Board Director, Indiana Professional Licensing Agency
Amy Phillips, Assistant Director, Indiana Professional Licensing Agency
Kyle McClurg, Litigation Specialist, Indiana Professional Licensing Agency
Wanda Levendoski, Compliance Officer, Indiana Professional Licensing Agency
Eric Percy, Compliance Officer, Indiana Professional Licensing Agency
Zaneta Nunnally, Compliance Officer, Indiana Professional Licensing Agency
Tim Thomas, Compliance Officer, Indiana Professional Licensing Agency
Gordon White, Board Advisory Counsel, Office of the Attorney General

(**MEMBER ST. ANGELO WAS PRESENT WHEN THE MEETING CONVENED BUT WAS INVOLVED WITH A DESIGNEE MEETING WITH THE ATTORNEY GENERAL'S OFFICE AND DID NOT RETURN TO THE MEETING UNTIL 9:32 A.M.)

II. PLEDGE OF ALLEGIANCE

A flag was unavailable to recite the pledge of allegiance.

III. ADOPTION OF THE AGENDA

A motion was made by Member Cover and seconded by Member Wall to adopt the agenda. **Motion Carried 6-0-0 (Member St. Angelo was in a designee conference during this vote).**

III. ADOPTION OF MINUTES FROM PREVIOUS MEETING

A motion was made by Member Williams and seconded by Member Anderson to adopt the November 9, 2009 minutes as presented. **Motion Carried 6-0-0 (Member St. Angelo was in a designee conference during this vote).**

IV. PROBATIONARY APPEARANCES

Probationary appearances were conducted by the Compliance Officers in Room W064 of Indiana Government Center South starting at 7AM and concluding prior to the start of the Board meeting.

(BOARD MEMBER WALL STEPPED OUT OF THE MEETING TO PARTICIPATE IN SETTLEMENT CONFERENCES AT 10:20 A.M. AND RETURNED TO THE MEETING AT 11:07 A.M.)**

- A motion was made by Member Williams and seconded by Member Landis to approve the following probationary appearances:

Brassard, Lawrence
Faroh, Phillip
Powell, Melanie
Reynolds, Susan

MOTION CARRIED: 6-0-0 (Member Wall was in settlement conferences during this vote).

- A motion was made by Member Landis and seconded by Member Cover to approve the following probationary appearances:

Goodge, Thomas
Hine, Edward
Kaczynski, Scott
Schmitt, Keith
Szalewski, Stephen
Werner, Michael
Zehring, Steven

MOTION CARRIED: 6-0-0 (Member Wall was in settlement conferences during this vote).

- A motion was made by Member Landis and seconded by Member Williams to approve the following probationary appearances:

Blemker, Erik
Fisher, Patricia
Flick, Julie
Lanting, Emily Beth
MacLean, Thomas
Nafe, Christine
Stroud, Chad
Voight, Stephanie

MOTION CARRIED: 7-0-0.

- A motion was made by Member Landis and seconded by Member Cover to approve the following probationary appearances:

Bowman, Gerry
Chew, Barbara
Harter, Larry
Huntzinger, Mark
Kruer, Angela

Lawson, Mark
Mittelkamp, Elaine
Mock, Dennis
Opel, Jeffrey

MOTION CARRIED: 7-0-0.

- A motion was made by Member Wall and seconded by Member St. Angelo to approve the following probationary appearances:

Dodds, Gregory
Holling-Lyons, Traci
Lowe, Keri
Smith, Alan

MOTION CARRIED: 7-0-0.

- The following individuals did not show for their probationary appearances and the Board voted to issue an Order to Show Cause. Motion was made by Member Wall and seconded by Member St. Angelo.

Ratliff, Jana

MOTION CARRIED: 7-0-0.

- The following individuals did not show for their probationary appearances because they were ordered to appear before the Board based on a previously filed petition or order:

Adams, Bradley

V. PERSONAL APPEARANCES

A. Compliance Officer Reports

- Report from Compliance Officer Zaneta Nunnally:

Compliance Officer Nunnally's report focused on a recent situation that involved a pharmacy technician at an independent pharmacy in Terre Haute, Indiana. The Technician's Qualifying Pharmacist (and owner of the store) reported to the Board that the Technician had been involved in diversion and was allegedly filling and fraudulently writing scripts for his mother but then using the drugs himself. The Qualifying Pharmacist reported that this had been going on for over two years, but allegedly had only come to light recently. CO Nunnally sought guidance from the Board on how to handle the situation and whether or not additional complaints should be filed and investigated against the pharmacy and pharmacist because of the duration of the diversion.

- Report from Compliance Officer Wanda Levendoski:

Compliance Officer Levendoski reported that she had been working with the pharmacy staff at St. Joseph Regional Medical Center to open up their new remote location. The hospital had applied and the Board approved the remote location, and CO Levendoski was responsible for following up with the hospital to ensure all the appropriate security protocols and procedures were in place to ensure proper patient safety. During the past month CO Levendoski also had the opportunity to inspect several DMEs and HMEs, as well as performing a number of routine inspections on existing pharmacies. The biggest issue she is finding is expired drugs being left in the inventory and on the shelves. She also informed the Board of a recent issue with a closed pharmacy not filing the appropriate paperwork with the Board. She has filed a Complaint against the pharmacy, Med-Shoppe.

- Report from Compliance Officer Eric Percy:

Compliance Officer Percy reported that he had a mostly routine month vis a vis pharmacy inspections, but that he was also involved in a number of drug diversion investigations with local law enforcement. He will be following up on these investigations and filing the appropriate Consumer Complaints.

- Report from Compliance Officer Tim Thomas:

Compliance Officer Thomas likewise had a mostly routine month. He reported that he participated in the Unwanted Medicines Workshop and had assisted in closing down several pharmacies in his district. He also reported on the meeting that he, Compliance Officer Nunnally, and Board Director Wickizer had with the DEA (Indianapolis Office) and the IU School of Medicine's LARC program to straighten out their CSR issues and who is required to maintain CSR and DEA registrations and how they should go about getting them. At the meeting, the staff and DEA also assisted IU with understanding the necessary protocols they will need to establish to remain in compliance with the relevant laws and regulations.

B. Medline Industries – Wholesale Drug Distributor Application

Medline Industries was required to make a personal appearance because of positive responses listed on their application to be a Wholesale Drug Distributor. Medline Industries was represented by Mike McMains from Plews Shadley Racher and Braun. Medline was also represented by members of their management and compliance teams, including: Diane Wolf from regulatory affairs, Warren Shelling, Beth Thompson, and Larry Corrigan. The Company has located its newest facility in Plainfield and is hoping to open this new distribution facility during the month of December. However, in their application they disclosed that they had been disciplined in half a dozen states. They have also been working with the IEDC and Board staff.

Medline is a company that primarily distributes and provides medical devices to hospitals, and their primary client in Indiana will be Clarian. They are a \$3.5 billion dollar company. Medline has 40 distribution centers across the US and services all 50 states. Representatives from the Company walked the Board through the discipline they had received in the five different states and the procedural discipline received in one state. They explained that early on they did not have a compliance staff or regulatory risk management staff, and that this resulted in their being disciplined in so many states. However, they explained to the Board that now they have a large staff that handles licensing and regulatory compliance in all fifty states. Medline also disclosed that they are in the process of (but have not received) their full VAWD Accreditation. At this point, there was Board discussion concerning whether or not they could move forward on a probationary license even though full VAWD Accreditation is required to receive a full and unencumbered license.

A motion was made to issue Medline a probationary license based on their discipline in other states and pending VAWD Accreditation. They will be required to petition the Board to lift the probation once they have received their full VAWD Accreditation. (The Board is allowing this probationary license in part because they already have two VAWD accredited facilities.) This probationary license also will only be granted after a board inspection. Medline will also be required to make personal appearances every 90 days to update the Board on their VAWD Accreditation. The motion was made by Member Anderson and seconded by member Williams. **Motion Carried 6-0-1 (Board Member Wall recused herself because she is an employee of Clarian).**

C. Wellcare Specialty Pharmacy – Non-resident Pharmacy Renewal

Wellcare Specialty Pharmacy was represented by Timothy Susanin and Jeff Lannigan. They explained the Company's business, structure, and operations to the Board. They also explained the positive response on their renewal application and the steps they had taken to

remedy those issues. The Board was satisfied with their responses to various questions and a motion was made by Member Cover and seconded by Member Landis to approve the renewal application. **Motion Carried 7-0-0.**

D. Union Hospital, Inc. – Remote Location

Union Hospital was required to make an appearance to seek approval of their new remote location. Compliance Officer Zaneta Nunnally was responsible for performing the inspection and appearing with the Hospital to certify that they have instituted the appropriate procedures and safety protocols. Union Hospital was represented by Christie Williams, who explained that the hospital had acquired an oncology practice and expanded it be the hospital's new oncology center. During the discussion of approval for the remote location, Board Member St. Angelo asked that new elements be added to the process to ensure that the locations are in fact part of the same business and not different business entities taking advantage of using the same pharmacy. A motion was made by Member Landis and seconded by Member Cover to approve the Union Hospital's new remote location. **Motion Carried 7-0-0.**

E. Owens & Minor Distribution – Wholesale Drug Distributor Application

Owens & Minor Distribution was required to make a personal appearance because of a positive response disclosed on their most recent renewal application to be a wholesale drug distributor. Management for the company appeared and walked the Board through all of the discipline they disclosed in their application. The issues were largely procedural in nature and the Board was satisfied with their answers. A motion was made by Member Cover and seconded my Member St. Angelo to approve the Application. **Motion Carried 6-0-0 (Member Wall was in settlement conferences during this vote).**

VI. MISCELLANEOUS

A. Board Director's Report

VII. OLD/NEW BUSINESS

A. Waiver of Age Rule – H1N1 Immunizations

After consultation with the Indiana Department of Health and various county departments of health, the Board voted to suspend and alter some of the rules regarding administration of immunizations. The power to take this action is based in the Board's statutory emergency powers that are activated following a presidential or gubernatorial declaration of emergency or executive order. President Obama issued such an order in October 2009 regarding the H1N1 pandemic. The Board subsequently voted to allow pharmacists to administer the H1N1 vaccine to an expanded age group of patients under physician protocol. This waiver will include both administration of the nasal and attenuated vaccine. The waiver will expire in June 2010.

Board Member Cover provided copies of orders from other states and jurisdictions, as well as a draft to be used and issued by the Indiana Board of Pharmacy. The Board subsequently instructed staff to make final revisions to the order and circulate it to the appropriate licensees, agencies, and other interested parties. Staff was also directed to post the order on the website and give specific guidance and instructions on what pharmacists are allowed to do vis a vis administering the H1N1 vaccination to various age groups and populations.

Motion Carried 7-0-0.

B. Discussion of Board Per Diems and Reimbursements

In lieu of recent budget constraints, the Board discussed different ways in which they can contribute to help ease the fiscal burden placed upon the Board and Indiana Professional Licensing Agency. This included discussion of foregoing monthly Board per diems.

VIII. ADMINISTRATIVE HEARINGS

A. In the Matter of the Indiana Pharmacist License of James W. Sedam, R.Ph.	
License No.	26021735A
Administrative Cause No.	2007 IBP 0068
Regarding	Order to Show Cause
Parties Present	James W. Sedam
Counsel Present	Respondent was not represented by counsel Morgan Burton, Deputy Attorney General for the State of Indiana
Participating Board Members	Del T. Fanning, R.Ph., President Lora N. R. Williams, JD, Vice President (<i>Consumer Member</i>) Steven Anderson, R.Ph., Member William J. Cover, R.Ph., Member Winnie Landis, R.Ph., Member Sara St. Angelo, PharmD., R.Ph., Member Donna S. Wall, PharmD., R.Ph., Member
Witnesses for the Petitioner	None
Witnesses for the State	None
Case Summary	The respondent was here on an Order to Show Cause for why he had violated his probation. Respondent had been terminated from his PRN contract for failure to complete drug screenings. It was also disclosed, and the Respondent admitted, that he had relapsed and was again taking and abusing controlled substances (specifically Soma and Loratab). Respondent claimed he was having financial troubles and was on medication because of kidney stones. It was also disclosed that Respondent was fraudulently altering prescriptions. Respondent is currently unemployed and has not been attending meetings since his relapse. Respondent is currently on indefinite probation from forging prescriptions for himself in 2007.
Board Action	A motion was made by Member Wall and seconded by Member St. Angelo to indefinitely suspend Respondent's Pharmacist License and to require him to maintain a successful PRN contract for at least two years before he can petition the Board for reinstatement of his license.
Vote	Motion Carried <u>6-1-0</u>

B. In the Matter of the Indiana Pharmacy Technician Certification of Andrea Kundert, C.Ph.T	
License No.	67011845A
Administrative Cause No.	2009 IBP 0046
Regarding	Final Hearing
Parties Present	Andrea Kundert
Counsel Present	Respondent was not represented by counsel Morgan Burton, Deputy Attorney General for the State of Indiana
Participating Board Members	Del T. Fanning, R.Ph., President Lora N. R. Williams, JD, Vice President (<i>Consumer Member</i>) Steven Anderson, R.Ph., Member William J. Cover, R.Ph., Member Winnie Landis, R.Ph., Member Sara St. Angelo, PharmD., R.Ph., Member Donna S. Wall, PharmD., R.Ph., Member
Witnesses for the Petitioner	None
Witnesses for the State	None
Case Summary	The State and Respondent have been attempting to enter into a

	settlement agreement, but at this time have not been able to agree on a resolution. As Respondent is not currently working in a pharmacy environment, the State moved to continue the hearing until such time as a resolution can be reached.
Board Action	A motion was made by Member Cover and seconded by Member St. Angelo to continue the hearing.
Vote	Motion Carried 6-0-1 (Board Member Wall abstained from voting because she participated in the settlement conference.)

C. In the Matter of the Indiana Pharmacy Permit of Tucker Pharmacy

License No.	60001338A
Administrative Cause No.	2007 IBP 0049
Regarding	Final Hearing
Parties Present	Lloyd Tucker for Tucker Pharmacy
Counsel Present	Mike McMains, Counsel for Respondent Kate Taylor, Counsel for Respondent Morgan Burton, Deputy Attorney General for the State of Indiana
Participating Board Members	Del T. Fanning, R.Ph., President Lora N. R. Williams, JD, Vice President (<i>Consumer Member</i>) Steven Anderson, R.Ph., Member William J. Cover, R.Ph., Member Winnie Landis, R.Ph., Member Sara St. Angelo, PharmD., R.Ph., Member Donna S. Wall, PharmD., R.Ph., Member
Witnesses for the Petitioner	None
Witnesses for the State	None
Case Summary	Respondent's original case involved privacy and HIPAA issues. This is the final resolution for the last of the dumpster diver cases. Counsel disclosed that the Pharmacy no longer operates as Tucker Pharmacy and was bought out by Walgreens Pharmacy. The State and Respondent presented the Board with an amended settlement agreement purporting to resolve all the issues involved in the original Complaint. This action and the settlement agreement have been consolidated with the action against the pharmacist license of Lloyd Tucker as well.
Board Action	A motion was made by Member Williams and seconded by Member St. Angelo to approve the Settlement Agreement with the changes agreed to by the State and Respondent. Board Member Cover disclosed that he is a Walgreens employee and would be willing to abstain from voting, but both the State and Respondent made no objection to his involvement in this action.
Vote	Motion Carried 6-0-1 (Board Member Wall abstained from voting because she participated in the settlement conference.)

D. In the Matter of the Indiana Pharmacist License of Lloyd Tucker, R.Ph.

License No.	26011901A
Administrative Cause No.	2007 IBP 0048
Regarding	Final Hearing
Parties Present	Lloyd Tucker
Counsel Present	Mike McMains, Counsel for Respondent Kate Taylor, Counsel for Respondent Morgan Burton, Deputy Attorney General for the State of Indiana
Participating Board Members	Del T. Fanning, R.Ph., President Lora N. R. Williams, JD, Vice President (<i>Consumer Member</i>) Steven Anderson, R.Ph., Member William J. Cover, R.Ph., Member Winnie Landis, R.Ph., Member

	Sara St. Angelo, PharmD., R.Ph., Member Donna S. Wall, PharmD., R.Ph., Member
Witnesses for the Respondent	None
Witnesses for the State	None
Case Summary	Respondent's original case involved privacy and HIPAA issues. This is the final resolution for the last of the dumpster diver cases. Counsel disclosed that the Pharmacy no longer operates as Tucker Pharmacy and was bought out by Walgreens Pharmacy and Lloyd Tucker works for Walgreens but not as a qualifying pharmacist. The State and Respondent presented the Board with an amended settlement agreement purporting to resolve all the issues involved in the original Complaint. This action and the settlement agreement have been consolidated with the action against the pharmacy permit for Tucker Pharmacy as well.
Board Action	A motion was made by Member Williams and seconded by Member St. Angelo to approve the Settlement Agreement with the changes agreed to by the State and Respondent. Board Member Cover disclosed that he is a Walgreens employee and would be willing to abstain from voting, but both the State and Respondent made no objection to his involvement in this action.
Vote	Motion Carried 6-0-1 (Board Member Wall abstained from voting because she participated in the settlement conference.)

E. In the Matter of the Indiana Pharmacist License of Michael D. Werner, R.Ph.

License No.	26013432A
Administrative Cause No.	-----
Regarding	Petition to Withdraw Probation
Parties Present	Michael D. Werner
Counsel Present	Mike McMains, Counsel for Petitioner Morgan Burton, Deputy Attorney General for the State of Indiana
Participating Board Members	Del T. Fanning, R.Ph., President Lora N. R. Williams, JD, Vice President (<i>Consumer Member</i>) Steven Anderson, R.Ph., Member William J. Cover, R.Ph., Member Winnie Landis, R.Ph., Member Sara St. Angelo, PharmD., R.Ph., Member Donna S. Wall, PharmD., R.Ph., Member
Witnesses for the Petitioner	Judy Werner
Witnesses for the State	None
Case Summary	Petitioner was here on his own motion to seek to withdraw probation from his pharmacist license. He has been on probation for five years and evidenced to the Board that he has fully and completely complied with the terms of his probation order. He has also shown evidence of successful completion of his criminal probation in Tippecanoe County. His original discipline was for filling fraudulent prescriptions for friends.
Board Action	A motion was made by Member Landis and seconded by Member St. Angelo to withdraw probation from the Petitioner's license.
Vote	Motion Carried 7-0-0

F. In the Matter of the Indiana Pharmacy Technician Certification of Crystal Lynn Seifert, C.Ph.T.

License No.	67006684A
Administrative Cause No.	2008 IBP 0027
Regarding	Petition to Withdraw Probation
Parties Present	Crystal Lynn Seifert
Counsel Present	Petitioner was not represented by counsel Morgan Burton, Deputy Attorney General for the State of Indiana

Participating Board Members	Del T. Fanning, R.Ph., President Lora N. R. Williams, JD, Vice President (<i>Consumer Member</i>) Steven Anderson, R.Ph., Member William J. Cover, R.Ph., Member Winnie Landis, R.Ph., Member Sara St. Angelo, PharmD., R.Ph., Member Donna S. Wall, PharmD., R.Ph., Member
Witnesses for the Petitioner	None
Witnesses for the State	None
Case Summary	Petitioner was here on her own petition to have the probationary status on her certification lifted. Petitioner was originally disciplined in March 2008 for an OWI she received in DuBois County and subsequently disclosed on her application. The Board placed her on a probation that mirrored her criminal probation. Petitioner showed evidence to the Board that she had successfully completed her criminal probation and thus satisfied the terms of the Board's probationary order.
Board Action	A motion was made by Member Williams and seconded by Member St. Angelo to withdraw the probation on Petitioner's certification.
Vote	Motion Carried <u>7-0-0</u>

G. In the Matter of the Indiana Pharmacy Technician Certification of Brian Tran, C.Ph.T.

License No.	67013590A
Administrative Cause No.	2009 IBP 0006
Regarding	Petition to Withdraw Probation
Parties Present	Brian Tran
Counsel Present	Petitioner was not represented by counsel Morgan Burton, Deputy Attorney General for the State of Indiana
Participating Board Members	Del T. Fanning, R.Ph., President Lora N. R. Williams, JD, Vice President (<i>Consumer Member</i>) Steven Anderson, R.Ph., Member William J. Cover, R.Ph., Member Winnie Landis, R.Ph., Member Sara St. Angelo, PharmD., R.Ph., Member Donna S. Wall, PharmD., R.Ph., Member
Witnesses for the Petitioner	None
Witnesses for the State	None
Case Summary	Petitioner was here on his own petition to have the probationary status on his certification lifted. Petitioner was originally disciplined in 2008 for an incident involving underage drinking at Purdue University and that he subsequently disclosed on his application. He was offered admittance to a pre-trial diversion program by Tippecanoe County and the Board subsequently placed him on probation until he completed this program. Petitioner is currently employed by CVS Pharmacy, is attending Purdue, and involved with the pre-pharmacy program. Petitioner showed evidence to the Board that he had successfully completed his criminal probation and thus satisfied the terms of the Board's probationary order.
Board Action	A motion was made by Member Cover and seconded by Member St. Angelo to withdraw the probation on Petitioner's certification.
Vote	Motion Carried <u>7-0-0</u>

H. In the Matter of the Indiana Pharmacy Technician Certification of Valerie Ziemkowski, C.Ph.T.

License No.	67009102A
Administrative Cause No.	2006 IBP 0045
Regarding	Petition to Withdraw Probation
Parties Present	Valerie Ziemkowski

Counsel Present	Petitioner was not represented by counsel Morgan Burton, Deputy Attorney General for the State of Indiana
Participating Board Members	Del T. Fanning, R.Ph., President Lora N. R. Williams, JD, Vice President (<i>Consumer Member</i>) Steven Anderson, R.Ph., Member William J. Cover, R.Ph., Member Winnie Landis, R.Ph., Member Sara St. Angelo, PharmD., R.Ph., Member Donna S. Wall, PharmD., R.Ph., Member
Witnesses for the Petitioner	None
Witnesses for the State	None
Case Summary	Petitioner was here on her own petition to have the probationary status on her certification lifted. The Board placed her on probation for five years and also required the completion of a monitoring program. Petitioner showed evidence to the Board that she had successfully completed her criminal probation and thus satisfied the terms of the Board's probationary order. Petitioner is currently employed at Walgreens and they are aware of her probationary status.
Board Action	A motion was made by Member Anderson and seconded by Member St. Angelo to withdraw the probation on Petitioner's certification.
Vote	Motion Carried <u>7-0-0</u>

I. In the Matter of the Indiana Pharmacy Technician Certification of Britney Palmer, C.Ph.T.

License No.	67014582A
Administrative Cause No.	2008 IBP 0057
Regarding	Default/Extension of Summary Suspension
Parties Present	Respondent Failed to Appear
Counsel Present	Respondent was not represented by counsel Mark Mader, Deputy Attorney General for the State of Indiana
Participating Board Members	Del T. Fanning, R.Ph., President Lora N. R. Williams, JD, Vice President (<i>Consumer Member</i>) Steven Anderson, R.Ph., Member William J. Cover, R.Ph., Member Winnie Landis, R.Ph., Member Sara St. Angelo, PharmD., R.Ph., Member Donna S. Wall, PharmD., R.Ph., Member
Witnesses for the Respondent	None
Witnesses for the State	None
Case Summary	The Respondent did not appear for her final hearing and the state asked the Board for a Default. Also, based on the fact that the Respondent was diverting, was a substance abuser, and was charged with a DUI, the State also asked the Board to revoke her pharmacy technician certification.
Board Action	A motion was made by Member Wall and seconded by Member Anderson to hold the Respondent in Default and a second motion was made by Member Williams and seconded by Member St. Angelo to revoke Respondent's pharmacy technician certification.
Vote	Both Motions Carried <u>7-0-0</u>

J. In the Matter of the Indiana Pharmacy Technician Certification of Courtney Robison, C.Ph.T.

License No.	67014449A
Administrative Cause No.	2009 IBP 0040
Regarding	Default Hearing
Parties Present	Courtney Robison
Counsel Present	Respondent was not represented by counsel Mark Mader, Deputy Attorney General for the State of Indiana

Participating Board Members	Del T. Fanning, R.Ph., President Lora N. R. Williams, JD, Vice President (<i>Consumer Member</i>) Steven Anderson, R.Ph., Member William J. Cover, R.Ph., Member Winnie Landis, R.Ph., Member Sara St. Angelo, PharmD., R.Ph., Member Donna S. Wall, PharmD., R.Ph., Member
Witnesses for the Respondent	None
Witnesses for the State	None
Case Summary	Respondent was here because of theft from her employer Wal-mart and not for drug diversion. The Respondent had committed fraud against Wal-mart by illegally loading up and then using gift cards without paying for them. Respondent plead guilty to conversion from and entered into a plea agreement with the criminal court. She freely admitted her crimes and that she would also like a second chance. She has another six months of probation plus additional community service hours. She also has to make restitution to Wal-mart. The case against her does not impact her ability to practice safely in a pharmacy setting.
Board Action	An original motion was made by Member Cover and seconded by Member Williams finding the Respondent in Default for failing to respond to the Board's Notice of Proposed Default and original hearing. Another motion was made by Member Anderson and seconded by Member Cover to place the respondent on probation for the period of time for which she is on criminal probation.
Vote	Both Motions Carried <u>7-0-0</u>

K. In the Matter of the Indiana Pharmacy Technician-in-Training Permit of Bradley Adams

License No.	99037278A
Administrative Cause No.	2009 IBP 0020
Regarding	Default Hearing
Parties Present	Respondent did not appear
Counsel Present	Respondent was not represented by counsel Morgan Burton, Deputy Attorney General for the State of Indiana
Participating Board Members	Del T. Fanning, R.Ph., President Lora N. R. Williams, JD, Vice President (<i>Consumer Member</i>) Steven Anderson, R.Ph., Member William J. Cover, R.Ph., Member Winnie Landis, R.Ph., Member Sara St. Angelo, PharmD., R.Ph., Member Donna S. Wall, PharmD., R.Ph., Member
Witnesses for the Respondent	None
Witnesses for the State	None
Case Summary	Respondent was ordered to appear on an Order to Show Cause which was issued because he was not complying with the terms of his probation and making his required probationary appearances. He was originally placed on Board probation because of a June 2008 criminal charge and subsequent probation. Respondent failed to appear or communicate his lack of appearance to the Board.
Board Action	A motion was made by Member Wall and seconded by Member Cover to hold the Respondent in Default and a second motion was made by Member Williams and seconded by Member St. Angelo to revoke Respondent's pharmacy technician-in-training permit.
Vote	Both Motions Carried <u>7-0-0</u>

L. In the Matter of the Indiana Pharmacist License of Dennis K. Winternheimer, R.Ph.

License No.	26012310A
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Administrative Cause No.	2006 IBP 0033
Regarding	Extension of Summary Suspension
Parties Present	Respondent did not appear
Counsel Present	Respondent was not represented by counsel Morgan Burton, Deputy Attorney General for the State of Indiana
Participating Board Members	Del T. Fanning, R.Ph., President Lora N. R. Williams, JD, Vice President (<i>Consumer Member</i>) Steven Anderson, R.Ph., Member William J. Cover, R.Ph., Member Winnie Landis, R.Ph., Member Sara St. Angelo, PharmD., R.Ph., Member Donna S. Wall, PharmD., R.Ph., Member
Witnesses for the Respondent	None
Witnesses for the State	None
Case Summary	The Respondent did not appear for this hearing but did communicate to Board staff prior to the meeting by both phone and email that he did not wish to continue pursuing his pharmacy career in the State of Indiana and that he wished to surrender his license at this time. Respondent wrote a letter of apology to the Board for his behavior at the earlier meeting at which he was disciplined. The State made no objection to the surrender, noting that his discipline is already a matter of public record and has been reported to the national database.
Board Action	A motion was made by Member Wall and seconded by Member Cover to accept the surrender of the Respondent's pharmacist license on the condition that he never again be able or allowed to reapply for a pharmacist license in the State of Indiana.
Vote	Motion Carried <u>7-0-0</u>

IX. FINAL NOTES PRIOR TO ADJOURNMENT

Board Member Wall discussed the Unwanted Medicines Workshop several members of the Board and Staff participated in during the month of November. She requested staff attempt to acquire more binders of materials to share with other board members and licensees.

Long term, the Board has been asked to participate in a grant application with IDEM being submitted to the EPA for education dollars to continue educating licensees and other members of the public for how to deal with unwanted medications. Staff will also (after permission is granted) by posting links on the Board of Pharmacy webpage to materials on unwanted medicine and other prescription drug collection programs put together by IDEM and the EPA.

X. APPLICATIONS

A. Pharmacist Applications

i. Bharatkumar Patel – Positive Response

A motion was made by Member Williams and seconded by Member Landis to approve the application. **Motion Carried 7-0-0.**

B. Pharmacist Intern/Extern Applications

i. Piyush Vyas – Request to Complete Hours in a Non-pharmacy Setting

A motion was made by Member Williams and seconded by Member Landis to deny the request and have a Compliance Officer file a Consumer Complaint against the

Intern Permit of the Applicant based on false reporting of intern hours as evidenced by emails sent to Board Member Donna Wall. **Motion Carried 7-0-0.**

C. Home Medical Equipment Service Provider Applications

- i. Christian Home Health Services, Inc. – Positive Response on Renewal Application

A motion was made by Member St. Angelo and seconded by Member Wall to table the application and have the applicant make a personal appearance before the full Board. **Motion Carried 7-0-0.**

D. Pharmacy Applications

- i. Unicare Infusion Health Services, Inc. – Positive Response on Renewal Application

A motion was made by Member St. Angelo and seconded by Member Landis to approve the application. **Motion Carried 7-0-0.**

E. Controlled Substance Registration Applications

- i. Vertellus Specialties, Inc. – Positive Response on Renewal Application

A motion was made by Member Anderson and seconded by Member St. Angelo to approve the application. **Motion Carried 7-0-0.**

F. Continuing Education Applications

The following applications for approval of Continuing Education Programs were presented and approved:

1. Charity McGannon for 3.8 hours of credit
2. Christina Dickson for 1.5 hours of credit
3. Smriti Chawla for 0.5 hours of credit
4. John L. Blair for 14 hours of credit
5. Elayne Ansara for 0.5 hours of credit
6. Sarah Pehlke for 0.5 hours of credit
7. Ann Yates for 2 – 1 hour credits
8. Tameka Sullivan-Hall for 8 hours of credit
9. Brianna Martin for 1 hour of credit
10. Brianna Martin for 12 hours of credit

Motion was made by Member Landis and seconded by Member Wall to approve the applications for the hours as stated in the applications. **Motion Carried 7-0-0.**

XI. ADJOURNMENT

President Fanning adjourned the meeting at approximately 2:00 p.m.

Del T. Fanning, R.Ph., President
Indiana Board of Pharmacy

Date

Next Scheduled Meeting:

Monday, January 11, 2010
Indiana Government Center South
Room W064 of the Indiana Professional Licensing Agency